

IN THE FEDERAL COURT OF THE VIRGIN ISLANDS

DIVISION OF ST. THOMAS AND ST. JOHN

JOHN ST. ROSE, MONROSE LOCTAR,)	
and DERRICK JAMES, individually)	
and on behalf of all others)	
similarly situated,)	
)	
Plaintiffs,)	
)	
vs.)	Case No. 3:19-CV-00117
)	
HEAVY MATERIALS, LLC, SPARTAN)	
CONCRETE PRODUCTS, LLC, and)	
WARREN MOSLER,)	
)	
Defendants.)	

THE ORAL DEPOSITION OF MONROSE LOCTAR

was taken on the 31st day of March, 2021, via Zoom
teleconference between the hours of 3:05 p.m. and 4:53 p.m.,
pursuant to Notice and Federal Rules of Civil Procedure.

Reported by:

Susan C. Nissman RPR-RMR
Registered Merit Reporter
Caribbean Scribes, Inc.
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Exhibit C

APPEARANCES

A-P-P-E-A-R-A-N-C-E-S

For the Plaintiffs:

Law Offices of
Burns Charest, LLP
365 Canal Street, Suite 1170
New Orleans, LA 70130

By: C. Jacob Gower

For the Defendant Spartan Concrete Products, LLC and Warren Mosler:

Law Offices of
Kellerhals Ferguson Kroblin PLLC
Royal Palms Professional Building
9053 Estate Thomas, Suite 101
Charlotte Amalie, St. Thomas

By: Christopher A. Kroblin

Also Present: Cathelyn Merrifield, Legal Assistant

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1 brought me, I signed and -- I reviewed it and I signed it,
2 yes.

3 Q. Okay. Well, I'll show you the one document that I
4 did receive in a minute. I was just wanting to confirm that
5 you did look for documents, you know, that related to any
6 purchases you had from Spartan, or any other documentation,
7 and were unable to find any; is that correct?

8 A. Yeah.

9 Q. Okay. Do you use e-mail?

10 A. I do have one, yes.

11 Q. Okay. And what's the e-mail address you use?

12 A. It's llocmon67@yahoo.com.

13 Q. Okay. And do you use this for business, or is
14 this just for personal e-mail?

15 A. I have no business. Just socializing.

16 Q. Okay. So you don't have -- you wouldn't have any
17 e-mails that would involve or relate to any purchases of
18 concrete or ready-mix from Spartan or Heavy Materials or
19 anything like that?

20 A. I don't think so, no.

21 Q. Okay. One second.

22 I'm going to ask you some questions about
23 purchasing ready-mix.

24 How many times have you purchased ready-mix
25 over the years, roughly?

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1 give you a direct, yes, it was that. But, yes, it could
2 have been, because it was for my ring beam at that time, and
3 you need -- you need the PSI to be very strong, yes.

4 Q. And what is a ring beam?

5 A. The top of the house where you -- you -- you put
6 your rafters. You tie the rafters into the -- the wall.
7 Into -- into the house. The rafters for the roof.

8 Q. Um-hum.

9 A. Where the rafters meet the wall for the house, you
10 tie it in, so the hurricane don't blow your roof off.

11 Q. Okay. And do you remember about how much you
12 spent on that purchase?

13 A. Not -- not really.

14 Q. Okay. Did you notice during the class period the
15 prices change at all in ready-mix concrete?

16 A. Yes.

17 Q. And what -- what did you observe?

18 A. Well, at that time, we could buy the concrete at
19 about a 130-something, and it jump up to a hundred and
20 seventy-something.

21 Q. Okay. And how much did you pay when you made your
22 purchase in 2015?

23 A. I can't remember exact amount right now.

24 Q. Okay. And when you made that purchase, did you
25 think the price was high?

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1 **A.** Yes.

2 **Q.** And why did you think the price was so high?

3 **A.** Because it's only one concrete company was on
4 the -- on the island at that time.

5 **Q.** Okay.

6 **A.** So --

7 **Q.** And when you made your purchase from Spartan in
8 2015, did you do this by phone, e-mail, or in person?

9 **A.** I called in the order, but I went and paid it in
10 person.

11 **Q.** Okay. Did you try to negotiate a lower price at
12 that time?

13 **A.** Well, we asked, but the price was what the price
14 was.

15 **Q.** And did they tell you why the price was so high?

16 **A.** No.

17 **Q.** Did you ask?

18 **A.** Well, we didn't ask, 'cause we already know. It's
19 only one concrete on -- only one concrete company on the
20 island. Take it or leave it.

21 **Q.** Okay. Let me ask you this about Spartan: Did you
22 ever have an issue, or were you aware of an issue of Spartan
23 being late with an order?

24 **A.** Sometimes a little bit, but not very much.

25 **Q.** Okay. And how about, did you ever have to send a

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1 **Q.** Okay. When purchasing ready-mix, how important is
2 the service? I mean, do you buy it just based on price or
3 do you buy it because of the service, too?

4 **A.** Both.

5 **Q.** Both?

6 **A.** Yeah.

7 **Q.** How important is service? Is it more important
8 than price or --

9 **A.** Well, I would say price is better, because it's
10 light in your pocket. But service, the service is also
11 good, because you want to know you can get your -- your
12 material when you ask for it and on time. So both of them
13 is good, but you're asking, price is always better.

14 **Q.** Okay. Let me ask you a little bit about the
15 lawsuit that's been filed in this case.

16 Do you know who the plaintiffs in the lawsuit
17 are?

18 **A.** Yes.

19 **Q.** And who are they?

20 **A.** Heavy Materials, Spartan, and Warren Mosler.

21 **Q.** And those are the defendants, correct?

22 **A.** Yeah.

23 **Q.** Okay. And why -- why are you suing Warren Mosler,
24 personally?

25 **A.** Well, he -- he, I know for sure, is -- is the --

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1 **A.** No.

2 **Q.** Okay. What -- who are the other -- you're a
3 plaintiff in -- a named plaintiff in the lawsuit.

4 Do you know the other named plaintiffs, who
5 they are?

6 **A.** I'm aware of one of the guys, but the others, I'm
7 not aware of them. I don't know them.

8 **Q.** Okay. And have you spoken to them recently?

9 **A.** One guy.

10 **Q.** And what's his name?

11 **A.** Derrick James.

12 **Q.** Okay. And are you aware that the Complaint has
13 been amended, and all the other plaintiffs have dropped out
14 except for you, and you're the only plaintiff left?

15 **A.** No.

16 **Q.** Okay. What damages are you seeking in this
17 lawsuit?

18 **A.** Well, damage, I would say that we -- we are
19 seeking -- I'm seeking damage based upon the overprice that
20 I paid for at one time, and the overprice that I paid for
21 the other time, if my answer is correct. I'm not sure.

22 **Q.** Okay. Have you heard of a requirement supply
23 agreement?

24 **A.** Not aware of what it is, no.

25 **Q.** Okay. Have you heard of any agreement between

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1 Spartan and Heavy Materials?

2 **A.** Yes. I heard of something, so, yeah.

3 **Q.** Okay. Can you tell me what you heard, or what
4 your understanding is?

5 **A.** Well, from our understanding, it is that -- that
6 Spartan brought -- bought Heavy Materials on St. Croix, and
7 same thing, I guess, on St. Thomas or whatever. And this
8 one shut down on St. Thomas, so I'm not going to talk about
9 St. Thomas. I'm not on St. Thomas, but I was told, we
10 understand some of us guys on the street, that Spartan
11 bought Heavy Materials, shut them down, and then jack up the
12 price on us. He bought his competition. That was the deal
13 that he make over here to buy -- to buy Heavy Materials. So
14 that was what we understand on St. Croix, or me and some of
15 our guys that bought concrete understand.

16 **Q.** Okay. And when did you first learn about the
17 agreement? Was it when you bought concrete in 2015, or
18 before?

19 **A.** Before. We heard of it before.

20 **Q.** Okay.

21 **A.** When Heavy Materials shut down, that's what was
22 going on.

23 **Q.** And why -- why did this -- what was the problem
24 with this agreement?

25 **A.** I wouldn't know.

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1 **Q.** Okay.

2 (Respite.)

3 One minute, please. Did you ever -- besides
4 this lawsuit, did you ever file any complaint of any sort or
5 make any complaint to anyone regarding the -- this alleged
6 agreement between Heavy Materials and Spartan?

7 **A.** Made a complaint to anyone?

8 **Q.** Yeah.

9 **A.** We complain among ourselves pretty much, and about
10 the price. One minute the price was that, and Heavy
11 Materials shut down. So the complaint among ourselves, we
12 complain all the time about the price, yes.

13 **Q.** Okay. When you say, "ourselves," who do you mean?

14 **A.** Other guys like myself who brought concrete who
15 are building.

16 **Q.** Okay. Can you give me the names of some of those
17 people?

18 **A.** Well, I don't think any one of them is part of the
19 lawsuit. I'm not sure, so I won't call the name.

20 **Q.** But do you know their names?

21 **A.** Well, they're my friends, so some of them might
22 know some of them who are building and bought concrete.

23 **Q.** Okay. Well, can you give me the name of one of
24 them?

25 **A.** Well, I'll give you the name of Derrick James,

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1 because I know he was part of -- he is part of that -- that
2 lawsuit going on here, so I could call his name, because
3 he's part of it.

4 **Q.** Okay. So -- and did you discuss with Derrick
5 James the -- the fact that -- this agreement with Spartan
6 and Heavy Materials?

7 **A.** Yeah, we talk about it.

8 **Q.** Okay.

9 **A.** About the price. And we talk about where else we
10 could buy, but no other choice. We have to buy it, because
11 there's no other concrete company here. There's only one
12 now. So if we don't like it, we stay without.

13 **Q.** Okay. How did the prices for ready-mix compare
14 from St. Thomas to St. Croix, do you know?

15 **A.** No, I never really checked St. Thomas.

16 **Q.** Okay. And are you aware of whether there's a silo
17 for cement on St. Croix, or whether there's one on
18 St. Thomas?

19 **A.** Silo? I'm not familiar with this word.

20 **Q.** Okay. Do you know where Spartan, during the class
21 period, would get its cement from?

22 **A.** No.

23 **Q.** Okay. Are you aware of, we'll call it, big bag
24 cement? Large, huge bags of cement?

25 **A.** Yeah, I've seen them.

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1 And then I was going to ask you if you could
2 look at -- one second -- Exhibit C, which I'll also share.
3 See if that works.

4 **A.** Yes.

5 (Deposition Exhibit C was
6 marked for identification.)

7 **Q.** It's a document entitled, "Plaintiff Monroe
8 Loctar's Responses to Defendants' First Set of
9 Interrogatories."

10 Are you familiar with this document?

11 **A.** Yes.

12 **Q.** Okay. And I'm just going to scroll down. And the
13 last page of this document, it says, "Verification of
14 Responses."

15 Is this your signature?

16 **A.** Hold on. Yes.

17 **Q.** Okay. And if you can, look at these -- this
18 document. You'll see on Page, I guess it's all at the
19 beginning, 1, it asks a series of questions, and I'll just
20 ask you if you know of any reason that any of these
21 responses that you've given are inaccurate or need to be
22 amended in any way?

23 **A.** Not really, no.

24 **Q.** Okay. I'll focus you on Interrogatory Number 2,
25 then.

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1 This says that you purchased 25 cubic yards
2 of 3,000 PSI 6 Big Rock 2 Pump for a hundred and seventy-one
3 per cubic yard.

4 Does that seem accurate to you?

5 **A.** It look accurate, yes.

6 **Q.** And this is for the -- a residence in 240 Enfield
7 Green, St. Croix, correct?

8 **A.** Yes.

9 **Q.** Okay. And was -- in your view, was \$171 per cubic
10 yard a high price or a low price?

11 **A.** At that time of year, it was high.

12 **Q.** It was a high price?

13 **A.** Yes.

14 **Q.** And why do you say that? Compared to what?

15 **A.** Compared to not too long before that, I was
16 working with a guy, and I don't remember the exact price,
17 but it was in the thirty -- like one thirty-something for
18 that same -- for that same cubic yards.

19 **Q.** And was that when Heavy Materials was also -- go
20 ahead.

21 **A.** Sorry. 3,000 PSI, it was just around three
22 something. I mean, one thirty-something.

23 **Q.** Okay. And was that when Heavy Materials was still
24 selling ready-mix?

25 **A.** That's after Heavy Materials -- at that time, when

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1 the price was one thirty-something, Heavy Materials was in
2 operation.

3 **Q.** Okay. Thanks.

4 Okay. I don't have any further questions
5 regarding that.

6 Let me just -- and, again, I won't bother
7 showing you, but we've had a response to a document request
8 in another response that we've already sort of discussed
9 today, and I just want to ask you whether there's any other
10 documents that you are aware of that you are in possession
11 of that, you know, show that you made ready-mix purchases on
12 St. Croix, whether they be receipts or e-mails about such
13 purchases, or, you know, invoices or anything like that, do
14 you have anything like that in your possession?

15 **A.** No, I haven't got none. No receipt from that time
16 to now, no.

17 **Q.** Okay. And, again, you said you didn't make any
18 other complaints, but did you ever even -- just so my
19 question's clear, did you ever write a letter to any sort of
20 government agency, or any company, or any person,
21 complaining about the increase in the price of ready-mix?

22 **A.** Me, personally, no, I haven't write no letter to
23 the government, or anybody else, concerning prices increase,
24 but we just view our displeasure about it within ourself.

25 **Q.** Okay. And were you aware of any of the people you

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1 talked about before that were upset about the price
2 increase, did they take any action? Did they write any
3 letters or do anything like that? Complain to the EDC or
4 EDA?

5 **A.** No, not that I know of.

6 **Q.** Okay. All right. Just one minute, sir.

7 And you mentioned that you were -- been
8 involved in some other lawsuits. And you mentioned Attorney
9 Rohn representing you in a lawsuit.

10 Did your current attorneys represent you in
11 any other lawsuit?

12 **A.** No.

13 **Q.** Okay. And the lawsuit about -- involving Attorney
14 Rohn was a -- it sounded like a wage or a benefit dispute.

15 Have you been involved in any other lawsuits
16 besides that lawsuit?

17 **A.** No.

18 **Q.** Okay. And are you receiving any sort of
19 compensation for your role here as a class representative or
20 a plaintiff in this case?

21 **A.** No.

22 **Q.** And I asked you about a question purchasing, let's
23 say, rock and sand, aggregate material that goes into
24 ready-mix.

25 Did you ever purchase any of that material